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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,831	04/06/2001	Hiroyoshi Kamoda	0965-0348P	5091
2292	7590	08/20/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			CULLER, JILL E	
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FALLS CHURCH, VA 22040-0747			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 08/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/826,831	KAMODA, HIROYOSHI
	<b>Examiner</b>	<b>Art Unit</b>
	Jill E. Culler	2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 08 June 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1 and 3-10 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 and 3-10 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 06 April 2001 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

**DETAILED ACTION*****Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP01316268 to Funada in view of U.S. Patent No. 4,448,121 to Uno et al. and U.S. Patent No. 6,36,187 to Schaede.

With respect to claims 1 and 6, Funada shows a double-sided printing machine comprising: a printing unit, 1, for printing opposite faces of a sheet-like material; ink supply means for supplying ink to said printing unit, 35, 36, said ink supply means being supported to be brought into contact with and separated from said printing unit, see Fig. 2; and transport means, 22, for transporting said sheet-like material from said printing unit while holding said sheet-like material,

Funada does not teach a delivery pile provided downstream of the printing unit for collecting the sheet-like material, or that the transport means includes a first delivery chain passing through a lower side of the ink supply means, a second delivery chain provided above the delivery pile, wherein the second delivery chain is located in relatively close proximity to a site above the delivery path and extends along its entire length so as to be parallel to a floor surface of the printing machine, a plurality of transport cylinders for transporting the sheet-

like material from the first delivery chain to the second delivery chain and provided at a position higher than the first delivery chain and lower than the second delivery chain, said plurality of transport cylinders including a first transport cylinder and a second transport cylinder provided adjacent to the delivery pile and arranged in a zigzag fashion with respect to a vertical direction, first detection means for detecting a status of printing on one face of the sheet-like material when the sheet-like material is transported by the first transport cylinder; and second detection means for detecting a status of printing on the other face of the sheet-like material when the sheet-like material is transported by the second transport cylinder.

Uno et al. teaches a delivery pile, 31, provided downstream of the printing unit for collecting the sheet-like material, see column 4, lines 65-68, and transport means including a first delivery chain, 20, a first transport cylinder, 12, and a second transport cylinder, 13, arranged in a zigzag fashion with respect to a vertical direction, for transporting the sheet-like material from the first delivery chain and a second delivery chain, 10, for transporting the sheet-like material from the transport cylinders, a first detection means, 15, for detecting a status of printing on one face of the sheet-like material when the sheet-like material is transported by the first transport cylinder, 12, and second detection means, 16, for detecting a status of printing on the other face of the sheet-like material when the sheet-like material is transported by the second transport cylinder, 13. See Fig. 1 in particular.

Schaede teaches a plurality of transport cylinders, 29, 31, 37, provided adjacent to a delivery pile, 63-69, and provided at a position higher than a first delivery chain, 28, and lower than a second delivery chain, 47, wherein the second delivery chain is located in relatively close proximity to a site above the delivery path and extends along its entire length so as to be parallel to a floor surface of the printing machine. See column 4, lines 16-38, column 5, lines 10-12 and Figure 1.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the printing unit of Funada using the transport means and quality inspection apparatus of Uno et al., located adjacent to the delivery pile and between the two delivery chains, as taught by Schaede, in order to be able to inspect the quality of the printed sheets while transporting them from the printing unit to the delivery pile.

With respect to claims 3 and 7, Funada does not teach that the first and second transport cylinders are suction cylinders.

Schaede teaches the use of suction cylinders to transport sheets in a printing machine. See column 4, lines 18-27 and 43-44.

It would have been obvious to one having ordinary skill in the art at the time of the invention to further modify the invention of Funada using the suction cylinders of Schaede in order to better control the transport of the sheets.

3. Claims 4-5 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Funada in view of Uno et al. and Schaede as applied to claims 1, 3 and 6-7 above, and further in view of U.S. Patent No. 4,794,856 to Giori.

With respect to claims 4-5 and 9, Funada, Uno et al. and Schaede teach all that is claimed, as in the above rejection of claims 1, 3 and 6-7 except that a first drying means is provided on the upstream side, with respect to the transport direction, of a detection position at which said first detection means detects the sheet-like material held by the first transport cylinder and a second drying means is provided on the upstream side, with respect to the transport direction, of a detection position at which the second detection means detects the sheet-like material held by the second transport cylinder, wherein the first drying means is disposed to face the first transport cylinder and the second drying means is disposed to face the second transport cylinder.

Giori teaches a drying means disposed to face a transport cylinder.

It would have been obvious to one having ordinary skill in the art at the time of the invention to further modify the invention of Funada using the drying means of Giori on each transport cylinder in order to be able to dry the printed material before it is inspected, minimizing the chance of smudging during or after inspection.

With respect to claim 10, Funada, Uno et al., Schaede and Giori teach all that is claimed as discussed in the above rejections.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Funada in view of Uno et al. and Schaede as applied to claims 1, 3 and 6-7 above, and further in view of U.S. Patent No. 6,192,140 to Reinhard et al.

Funada, Uno et al. and Schaede teach all that is claimed, as in the above rejection of claims 1, 3 and 6-7, except that the first detection means includes a first spotlight and the second detection means includes a second spotlight.

Reinhard et al. teaches a first detection means including a first spotlight, 32, and a second detection means including a second spotlight, 33. See column 3, lines 4-11.

It would have been obvious to one having ordinary skill in the art at the time of the invention to further modify the invention of Funada using the spotlights of Reinhard et al. in order to be able to inspect the printed sheets with better lighting.

### ***Response to Arguments***

5. Applicant's arguments filed June 8, 2004 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Applicant's argument that Funada does not teach all

of the claimed elements of the present invention is moot, as the rejection was based on a combination of Funada and other references.

In response to applicant's argument that Uno et al. discloses a different type of printing machine, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, although the printing machines are not identical, one having ordinary skill in the art would recognize the advantages of using the inspection apparatus of Uno et al. with the output of any type of printing device.

In response to applicant's argument that Uno et al. does not teach that the plural transport cylinders are provided along the path of upward transport of the material, this feature of the invention is not present in the claims. Furthermore, the arrangement of the transport cylinders in Schaede does teach the cylinders provided along an upward path, therefore this could reasonably be considered to be taught by the combination of references as they have been applied.

In response to applicant's argument that the combination including the transport cylinders of Schaede results in an undesirable upsizing of the machine, this does not negate the combination for use in rejecting the invention as it is currently claimed.

In response to applicant's argument that Schaede does not disclose or suggest that the second delivery chain is located in relatively close proximity to a

site above the delivery path and extends along its entire length so as to be parallel to a floor surface of the printing machine, Figure 1 of Schaede shows a second delivery chain, 47, which is located in relative close proximity to a site above the delivery path, 63-69, and extends along its length so as to be parallel to a floor surface of the printing machine. Therefore, these claim limitations do not distinguish the claimed invention over the prior art.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Giori is only relied upon for the teaching of a drying means disposed to face a transport cylinder of a printing device. As such, one having ordinary skill in the art would recognize the advantages of combining the teachings of Giori with any printing device, as has been suggested here by the combination of the other prior art references.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**.

See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill E. Culler whose telephone number is (571) 272-2159. The examiner can normally be reached on M-Th 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jec



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